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### REMARKS

This paper is filed in response to the Office Action dated April 30, 2007. Applicants acknowledge with appreciation the Examiner's withdrawal of the previous restriction requirement set forth in the Office Action dated October 5, 2006.

In the present Office Action, the claims have been restricted into the following groups:

- Group I (Claims 1-12, 23), directed to methods of treating viral/bacterial induced disease by administering an inhibitor of mycobacterial serine/threonine protein kinase;
- Group II (Claims 13-15), directed to mycobacterial serine/threonine protein kinase inhibiting compounds (4,5,6,7-tetrahydrobenzo[b]thiophene compounds) having a general formula (designated formula I) and pharmaceutical compositions comprising the compound useful for treating mycobacterial infections;
- Group III (Claims 16-21), directed to methods of identifying compounds useful for the treatment of mycobacterial infections; and
- Group IV (Claim 22), directed to mycobacterial serine/threonine protein kinase inhibiting compounds (benzo[g]quinoxaline compounds) having a general formula (designated formula II).

Additionally, the Examiner is further requiring the election of a particular species selected from compounds 1-287 (if, apparently, Claim Groups I or II are elected) or a compound selected from the alternatives listed in Claim 22 (if, apparently, Claim Group IV is elected). Applicants note that it is not possible to elect a species for Claim Group III, which is directed to methods of identifying compounds useful for treating mycobacterial infections.

#### Election

Without in any way acquiescing in the reasons for the requirements set forth in the Office Action, but in order to be fully responsive to the Office Action, Applicants provisionally elect for examination the claims of Group 2, i.e., Claims 13-15 and further elect compound 237, i.e., 2-(cyclopropanecarbonyl-amino)-4,5,6,7-tetrahydro-benzo[b]thiophene-3-carboxylic acid amide.

#### Rejoinder

However, Applicants traverse the restriction with regard to the Examiner's characterization of Claim 1-10 as generic. Applicants submit that all claims are currently generic because none of the claims are limited to the use of one particular compound or exclude the elected species. As noted by the

by the Examiner, upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim. 37 C.F.R. §1.141.

Respectfully submitted,



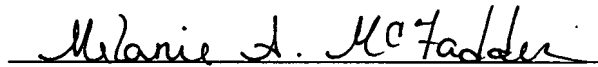
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May 29, 2007

date



Melanie A. McFadden